

REMARKS

Claims 13-20 are pending. As indicated above, Applicants amended the Specification to replace the existing title with a more appropriate title. Further, Applicants amended claim 13 to clarify the claimed product exploration and guided search web pages. Support for these amendments are found at least in part on page 11, lines 18-21 of Applicants' Specification.

The amendments made to claim 13 were to advance prosecution and are not an admission that these amendments were necessary to overcome the Examiner's cited art. Hence, no prosecution history estoppel arises from the amendments to claim 13. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claim 13 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

Claims 19 and 20 are rejected under 35 U.S.C. §102(b). Claim 13 is rejected under 35 U.S.C. §102(e). Claims 14-18 are rejected under 35 U.S.C. §103(a). Applicants address these rejections below.

I. REJECTIONS UNDER 35 U.S.C. §102(b):

The Office Action has rejected claims 19 and 20 under 35 U.S.C. §102(b) as being anticipated by Smith et al. (U.S. Patent Application Publication No. 2002/0010625) (hereinafter "Smith"). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request the Office Action to reconsider and withdraw these rejections.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

The Office Action cites paragraphs [0048 and 0206] and Figure 12 of Smith as disclosing "generating an exploration web page based on said selected one of said

set of links, wherein said exploration web page comprises a set of product attributes based on personalization information from said user" as recited in claim 19. Office Action (5/13/2008), page 5. Applicants respectfully traverse.

The Office Action cited to Figure 11 of Smith as disclosing a web page comprising a set of links based on personalization information from the user. Office Action (5/13/2008), page 5. As illustrated in Figure 11, a web page includes a list of recently viewed items 402, a list of recommended items 404 and a list of top selling items 406. As understood by Applicants, the Office Action asserts that the list of recommended items 404 discloses the set of links based on personalization information from the user.

Smith discloses that table 60 contains data that reflects the collective interests of the community of users. [0078]. Smith further discloses that the table 60 may be used to display "canned" lists of related items on product detail pages of the "popular" items. [0206]. Smith further discloses that Figure 12 illustrates this feature in example form. [0206].

Hence, Figure 12 of Smith discloses using table 60 of Smith to display "canned" lists of related items on product detail pages of the "popular" items. Figure 12 does not illustrate generating an exploration web page based on the selected one of the set of links. As mentioned earlier, the Office Action cited the list of recommended items 404 as disclosing the set of links based on personalization information from the user. The product page of Figure 12 is not generated based on the user selecting one of the items in the list of recommended items 404.

Further, there is no language in Smith that discloses generating an exploration web page based on the selected one of the set of links, where the exploration web page comprises a set of product attributes based on personalization information from the user. Instead, Smith disclose that Figure 12 illustrates the detail page of a particular product. Smith does disclose that the detail page may include information about the product. [0048]. However, the web page does not include a set of product attributes based on personalization information from the user. In other words, the

information about the product is not displayed in Smith based on personalization information from the user.

Thus, Smith does not disclose all of the limitations of claim 19, and thus Smith does not anticipate claim 19. M.P.E.P. §2131.

The Office Action further cites paragraphs [0048 and 0206] and Figure 12 of Smith as disclosing "receiving a selection of one or more product attributes from said set of product attributes that are of interest to said user" as recited in claim 19. Office Action (5/13/2008), page 5. Applicants respectfully traverse.

As stated above, Smith instead discloses using table 60 of Smith to display "canned" lists of related items on product detail pages of the "popular" items. Smith further discloses that Figure 12 illustrates the detail page of a particular product.

There is no language in the cited passages or depiction in Figure 12 that discloses receiving a selection of one or more product attributes. Neither is there any language in the cited passages or depiction in Figure 12 that discloses receiving a selection of one or more product attributes that are of interest to the user. Thus, Smith does not disclose all of the limitations of claim 19, and thus Smith does not anticipate claim 19. M.P.E.P. §2131.

Claim 20 recites the combinations of features of independent claim 19, and hence claim 20 is not anticipated by Smith for at least the above-stated reasons that claim 19 is not anticipated by Smith.

Claim 20 recites additional features, which, in combination with the features of claim 19 upon which it depends, is not anticipated by Smith.

For example, Smith does not disclose "generating a results web page in response to receiving said indication from said user to show products, wherein said results web page comprises a product list having information and one or more links to product web pages for products that meet a criteria based on said selection of one or more product attributes" as recited in claim 20. The Office Action cites paragraphs [0047, 0048 and 0206] as well as Figure 12 of Smith as disclosing the above-cited

claim limitations. Office Action (5/13/2008), page 5. Applicants respectfully traverse.

As stated above, Smith instead discloses using table 60 of Smith to display "canned" lists of related items on product detail pages of the "popular" items. Smith further discloses that Figure 12 illustrates the detail page of a particular product.

There is no language in the cited passages or depiction in Figure 12 that discloses generating a results web page in response to receiving an indication from the user to show products, where the results web page comprises a product list having information and one or more links to product web pages for products that meet a criteria based on the selection of one or more product attributes. Instead, Figure 12 depicts a detail page of a particular product that includes a hypertextual list 500 of related items. The hypertextual list 500 of related items do not contain links to web pages for products that meet a criteria based on the selection of one or more product attributes. There was no selection of product attributes that were of interest to the user. Thus, Smith does not disclose all of the limitations of claim 20, and thus Smith does not anticipate claim 20. M.P.E.P. §2131.

As a result of the foregoing, Applicants respectfully assert that not each and every claim limitation was found within Smith, and thus claims 18-19 are not anticipated by Smith. M.P.E.P. §2131.

II. REJECTIONS UNDER 35 U.S.C. §102(e):

The Office Action has rejected claim 13 under 35 U.S.C. §102(b) as being anticipated by Jacobi et al. (U.S. Patent No. 7,113,917) (hereinafter "Jacobi"). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request the Office Action to reconsider and withdraw these rejections.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

Jacobi does not disclose "wherein said exploration web pages permit a customer to reach pages of interest by identifying product attributes, wherein said guided search web pages permit said customer to reach pages of interest by prompting said customer for answers about characteristics and preferences of said customer" as recited in claim 13.

Jacobi instead discloses a recommendation service which is used to recommend book titles, music titles and/or video titles to users. Column 5, lines 4-9. Jacobi further discloses that given a unary listing of items that are "known" to be of interest to a user (e.g., a list of items purchased), the recommendation service generates a list of additional items ("recommendations") that are predicted to be of interest to the user. Column 5, lines 9-14. Jacobi additionally discloses that the recommendations are generated using a table which maps items to lists of "similar" items without the need for users to rate any items. Column 5, lines 20-23.

Hence, Jacobi discloses a recommendation service that uses items that are known to be of interest to the user (e.g., recently purchased items) and generates a list of recommended items based on the items known to be of interest to the user (e.g., recently purchased items).

There is no language in Jacobi that discloses defining a personalized web page comprising one or more links to initial product exploration or guided search web pages, the links being based on personalization information for the user, where the exploration web pages permit a customer to reach pages of interest by identifying product attributes, as recited in claim 13. Neither is there any language in Jacobi that discloses defining a personalized web page comprising one or more links to initial product exploration or guided search web pages, the links being based on personalization information for the user, where the guided search web pages permit the customer to reach pages of interest by prompting the customer for answers about characteristics and preferences of the customer.

Thus, Jacobi does not disclose all of the limitations of claim 13, and thus Jacobi does not anticipate claim 13. M.P.E.P. §2131.

III. REJECTIONS UNDER 35 U.S.C. §103(a):

The Office Action has rejected claims 14-18 under 35 U.S.C. §103(a) as being unpatentable over Jacobi in view of Smith. Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request the Office Action to reconsider and withdraw these rejections.

A. Jacobi and Smith, taken singly or in combination, do not teach at least the following claim limitations.

The Office Action cites paragraphs [0016, 0023, 0048, 0167 and 0168] as well as Figures 6 and 12 of Smith as teaching "in which the personalization information for the user comprises a set of item attributes defined by a personalization system" as recited in claim 14. Applicants respectfully traverse.

Smith instead teaches that to identify items that are related or "similar" to one another, an off-line table generation component analyzes the history of item-affinity-evidencing actions of a community of users (preferably on a periodic basis) to identify correlations between items for which such actions were performed. [0016]. Further, Smith teaches displaying a hypertextual list of recently viewed products. [0023]. Additionally, Smith teaches that detailed information about a product can be obtained by accessing that product's detail page. [0048]. Furthermore, Smith teaches that the user can select a link associated with one of the recommended items to view the product information page for that item. [0167].

Hence, Smith teaches identifying items that are related or similar to the items purchased by the user. Further, Smith teaches displaying a hypertextual list of recently viewed products and allowing the user to obtain detailed information about a product by accessing that product's detail page. Further, Smith teaches that the user can select a link associated with one of the recommended items to view the product information page for that item.

There is no language in the cited passages or depiction in Figures 6 and 12 that teaches that the personalization information for the user comprises a set of item attributes defined by a personalization system. Instead, Smith teaches analyzing the history of item-affinity-evidencing actions of a community of users. Smith does not

teach the concept of personalization information for a user that comprises a set of item attributes defined by a personalization system.

Therefore, the Office Action's cited passages do not teach the above-cited claim limitation as asserted by the Office Action.

Further, the Office Action cites paragraphs [0016, 0023, 0048, 0167 and 0168] as well as Figures 6 and 12 of Smith as teaching "in which each initial product exploration web page comprises a link to a result page" as recited in claim 15. Office Action (5/13/2008), page 4. Applicants kindly request the Examiner to particularly point out which element in Smith allegedly teaches the claimed initial product exploration web page and the claimed result page pursuant to 37 C.F.R. §1.104(c)(2).

Additionally, the Office Action cites paragraphs [0016, 0023, 0048, 0167 and 0168] as well as Figures 6 and 12 of Smith as teaching "in which the result list comprises an item attribute table in which attributes of a set of items are grouped to permit comparison by a user" as recited in claim 17. Office Action (5/13/2008), page 4. Applicants respectfully traverse.

As stated above, Smith teaches identifying items that are related or similar to the items purchased by the user. Further, Smith teaches displaying a hypertextual list of recently viewed products and allowing the user to obtain detailed information about a product by accessing that product's detail page. Further, Smith teaches that the user can select a link associated with one of the recommended items to view the product information page for that item.

There is no language in the cited passages or depiction in Figures 6 and 12 that teaches that teaches a result page that includes a result list that comprises an item attribute table. Applicants kindly request the Examiner to particularly point out which element in Smith allegedly teaches the result list and the item attribute table pursuant to 37 C.F.R. §1.104(c)(2). Further, there is no language in the cited passages or depiction in Figures 6 and 12 that teaches that teaches a result page that includes a result list that comprises an item attribute table in which attributes of a set of items are grouped to permit comparison by a user.

Therefore, the Office Action's cited passages do not teach the above-cited claim limitation as asserted by the Office Action.

Additionally, the Office Action cites paragraphs [0182-0189] of Smith as teaching "in which the set of guided search web pages comprises web pages corresponding to a subset of potential guided search nodes in a guided search tree, the subset being defined with reference to the personalization information for the user" as recited in claim 18. Office Action (5/13/2008), page 4. Applicants respectfully traverse.

Smith instead teaches that each time a user views a product detail page, the web server 32 notifies the HTTP/XML application 37, causing the HTTP/XML application to record the event in real time in a session-specific record of the click stream table. [0182]. Smith further teaches that once the user has viewed a threshold number of product detail pages during the current session, the user is presented with a link to a custom page as shown in Figure 11. [0184]. Additionally, Smith teaches that a session recommendations component 52 accesses the user's cached session record to identify the products the user has viewed, and then uses some or all of these products as the "items of known interest" for generating the personal recommendations, as shown in Figure 11. [0184].

Hence, Smith teaches an HTTP/XML application recording each time a user views a product detail page. Smith further teaches generating a list of recommendations based on the user's cached session record which identifies the products the user has viewed.

There is no language in the cited passages that teaches a set of guided search web pages. As discussed above, the guided search web pages permit the customer to reach pages of interest by prompting the customer for answers about characteristics and preferences of the customer. Neither is there any language in the cited passages that teaches a set of guided search web pages that comprises web pages corresponding to a subset of potential guided search nodes in a guided search tree. Neither is there any language in the cited passages that teaches a set of guided search web pages that comprises web pages corresponding to a subset of potential guided

search nodes in a guided search tree, the subset being defined with reference to the personalization information for the user.

Therefore, the Office Action's cited passages do not teach the above-cited claim limitations as asserted by the Office Action.

- B. Office Action's reasoning for modifying Jacobi with Smith to include the missing claim limitations of claims 14-18 is insufficient to establish a *prima facie* case of obviousness.

In order to establish a *prima facie* case of obviousness, the Office Action must provide articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (cited approvingly in *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007)).

The Office Action admits that Jacobi does not teach the limitations of claims 14-18. Office Action (5/13/2008), pages 3-4. The Office Action asserts that Smith teaches these missing claim limitations of claims 14-18. *Id.* The Office Action states that the reasoning for modifying Jacobi with Smith to include the missing claim limitations of claims 14-18 is for "providing consumers with a variety of personalized options to choose from when exploring web-pages to view and/or purchase products." *Id.* at page 5.

While the Office Action may consider many factors in finding a reason to combine, the Office Action still must explain how the Examiner derived the reasoning for modifying Jacobi to include the above-cited missing claim limitations. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007). While the limitations of claims 14-18 may provide consumers with a variety of personalized options, there are many other ways to provide consumers with a variety of personalized options. Why in particular would one skilled in the art modify Jacobi to specifically include the limitations of claims 14-18 is the question the Office Action must answer. For instance, why would one skilled in the art modify Jacobi to include a set of item attributes defined by a personalization system, as recited in claim 14? Why would one skilled in the art modify Jacobi to have each initial product

exploration web page comprise a link to a result page, as recited in claim 15? Why would one skilled in the art modify Jacobi to have the result page comprise a result list which comprises an item attribute table in which attributes of a set of items are grouped to permit comparison by a user, as recited in claims 16 and 17? Further, why would one skilled in the art modify Jacobi to have a set of guided search web pages comprise web pages corresponding to a subset of potential guided search nodes in a guided search tree, the subset being defined with reference to the personalization information for the user, as recited in claim 18?

The Office Action appears to be relying upon the subjective opinion of the Examiner which is insufficient to support a *prima facie* case of obviousness. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Consequently, the Office Action's reasoning for modifying Jacobi to include the missing claim limitations of claims 14-18 is insufficient to support a *prima facie* case of obviousness for rejecting claims 14-18. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007); *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

IV. CONCLUSION:

As a result of the foregoing, it is asserted by Applicants that claims 13-20 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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